00:53:35 Jared Barnes: request an explanation/rationale/meeting from/with the TC on why they overturned the decision and if the PC acted incorrectly or if policies need to be changed
00:53:37 Bill Nutkins: maybe have an open discussion about if our goals are in line?
00:54:10 J.R. Spung: Make suggestions to make changes to the recommendation
00:54:58 Matt Pielsticker: no!
00:55:06 Kyle Hoiland: Shouldn't be allowed; isn't there a public notification process?
00:55:14 Matthew Hood: Needs a continuance
00:55:16 Laura Smith: No, do not allow day-before changes. This prevents meaningful participation from public or review by staff.
00:55:16 Leah Mayer: This is problematic for public notification!
00:55:18 J.R. Spung: Is there a deadline for changes to application in the regulations?
00:56:28 Kyle Hoiland: Before I forget, how should we handle the situation if staff doesn't take care of public notification and it delays the process?
00:58:06 Kyle Hoiland: Thanks
01:00:11 Leah Mayer: is it a state statute for tourism to be included in the comp plan?
01:04:40 Jared Barnes: yes
01:04:45 Jared Barnes: yes
01:10:04 Jessica Lake: What is the best way to handle disruptions from the public?
01:20:48 Steven Nusbaum: Is it ok to ask questions of the applicant for clarification during motion discussion.
01:22:51 Jared Barnes: good question steve
01:23:06 Laura Smith: What to do when applicant is dodging?
01:24:39 Morgan Landers: It would also be ok to say that if information cannot be provided, you may not be in a position to make a positive finding
01:26:07 Laura Smith: Oh, yes, great point to encourage sharing information. Thanks, Morgan.
01:26:29 Morgan Landers: it is challenging
01:26:40 Matthew Hood: The applicant could protest the decision since we didn't follow our standards
01:26:48 Laura Smith: You can't impose a condition that the town hasn't adopted, can you?
01:26:53 Morgan Landers: sometimes you can review other standards to see if there are segways to other standards, such as comp plan conformane
01:26:54 Leah Mayer: if design is not a standard, then isn't it just a recommendation by the commission?
01:26:56 Kyle Hoiland: This exposes the entity to further negative actions. what if increases costs?
01:27:00 Jared Barnes: can it be tied back to a goal, or overarching policy?
01:27:08 Bill Nutkins: if its not a standard adopted by the town an we impose the condition?
01:28:09 Laura Smith: Wait, how does one adjust standards?
01:28:21 Morgan Landers: through land use regulation revisions :)
01:28:26 Laura Smith: Suggesting standards adjustments to elected body?
01:28:35 J.R. Spung: No vote
01:28:36 Laura Smith: But that doesn't happen often, right?
01:29:00 Matthew Hood: If you can't review the packet at all, it seems as though you shouldn't attend the meeting
01:29:09 Laura Smith: So one has to wait years to help resolve an issue that is recurring and difficult?
01:29:28 Lani Webb: It's the commissioner's responsibility to be prepared. Don't vote because it's not fair to the applicant

01:29:45 Laura Smith: Oh, well, can't vote if you don't really have the knowledge, right? Even if lose quorum.
01:30:34 Laura Smith: And don't vote b/c not fair to the public as well as the applicant.
01:31:21 Kyle Hoiland: Don't allow it
01:31:23 Matthew Hood: Absolutely not.
01:31:31 Laura Smith: They can do, right? Just don't have to consider it in one's deliberations.
01:31:38 Bill Nutkins: I don't think that's aloud
01:31:39 Lani Webb: You'll quickly lose control of the meeting
01:31:39 J.R. Spung: Wouldn't it be against meeting rules?
01:31:45 Leah Mayer: remind them that the audience doesn't get a vote, but you will listen to their concerns individually
01:31:58 J.R. Spung: Comments not votes from the public
01:31:59 Laura Smith: Then if not allowed, then chair shuts it down?
01:32:57 Kyle Hoiland: Not directly; they can ask during public comment
01:32:59 Laura Smith: Not allowed, right?
01:33:04 Jared Barnes: yes during public comment, but the chair doesn't have to allow for a response
01:33:10 Morgan Landers: sometimes staff can take down all questions and then the applicant can respond during rebuttal
01:33:15 Matthew Hood: Not acceptable. They can give their comments and ask the question during their time but the chair does not need to allow a response
01:33:46 Laura Smith: Ooooo, also not allowed.
01:33:56 J.R. Spung: Other opponents requesting the same thing
01:33:58 Matthew Hood: It could make the meeting crazy long and not productive
01:33:59 Steven Nusbaum: Rules!
01:34:00 Bill Nutkins: chair reminds them of the limit time/
01:34:06 Laura Smith: Understand the public's frustration, but...rules.
01:34:09 Jesse Gregg: meeting rules established early on
01:34:20 Leah Mayer: if the rules were clearly stated at the beginning, then remind the opponent of this.
01:34:36 Laura Smith: Sometimes others "give" their time to another speaker, right? Have seen this.
01:34:58 Morgan Landers: set that in the rules in the beginning
01:35:04 Matthew Hood: I think everyone is allowed their time, but don't let them go over.
01:35:15 Laura Smith: I have seen many commissions cut this off, but I think it leads to people not feeling heard.
01:35:26 Jesse Gregg: chair should ask them to present any new testimony that has not already been stated
01:35:47 J.R. Spung: Importance of strong chair and letting the speaker feel validated but moving it along
01:36:19 Laura Smith: Ooooo, is correct. Tough!
01:36:30 Steven Nusbaum: What are the findings based on?
01:36:31 Leah Mayer: was this information and comment after the PC approval?
01:36:50 Matthew Hood: If they meet the standard then the application should be approved.
01:36:59 J.R. Spung: Should recommend to table the vote, let cooler heads prevail and reevaluate the appplicaiton
01:36:59 Jesse Gregg: shouldn't be the basis for a motion
01:37:23 Bill Nutkins: if there is nothing that could technically deny then it should be approved.
01:37:38 Jared Barnes: yes it is correct if there are findings as to why it doesn't meet other governing documents, such as comp plan
01:37:59 Matthew Hood: Need to make the public aware that it isn't a matter of opinion but rather a legal right to use their property

01:38:46 Leah Mayer: no debate. Just ask questions that promote the standards/findings
01:38:58 Bill Nutkins: debating in a public meeting doesn't get anywhere.
01:39:01 Laura Smith: Ha, PATIENCE!
01:39:01 Matthew Hood: no debate. You can make your point after public comment if you really want to during discussion.
01:39:42 Steven Nusbaum: Findings!
01:39:44 Laura Smith: Make absolutely sure of your facts and then run by legal department?
01:39:45 Matthew Hood: Clean motions that reference standards
01:39:48 Bill Nutkins: make sure the findings are correct
01:40:03 Laura Smith: Don't be bullied.
01:41:46 Bill Nutkins: I am having deja vu
01:41:55 Leah Mayer: highest and best in whose opinion?
01:42:07 Jared Barnes: highest and best use can be subjective
01:42:22 Laura Smith: This is where community plan so important, yes?
01:43:05 Leah Mayer: what is a taking?
01:43:08 Laura Smith: Does everyone have a right to "highest and best use" in their own interpretation?
01:43:17 Bill Nutkins: depends on if the highest and best use follows te master plan and land use
01:43:31 Morgan Landers: Takings apply to removal of all economic value
01:45:18 Laura Smith: Is a "taking" illegal?
01:48:43 Leah Mayer: will you be sharing these slides with us after this meeting?
01:49:58 Leah Mayer: can you discuss the applications after the meetings?
01:49:59 Matthew Hood: "About to be under review" has me curious. Lots of things might be submitted or not submitted and you may not necessarily know when someone asks you about it.
01:50:16 Steven Nusbaum: run away
01:50:23 Jared Barnes: thank you for you interest, but you should attend the meeting and provide comments there
01:50:49 Lindsay Hardy: Ask the person to come to the meeting to discuss in a public setting so that everyone can hear the same testimony
01:50:56 Morgan Landers: Or offer other options for submitting public comment, i.e. email or letters if they donâ€™t want to come in person, or canâ€™t
01:52:03 J.R. Spung: recommend them to other staff that can help them answer questions
01:55:11 Matthew Hood: Definitely ex-parte. Needs to be disclosed.
01:55:12 Laura Smith: If all commissioners are present, is it okay?
01:55:16 Leah Mayer: try to travel with staff to the sire visit
01:55:20 Bill Nutkins: make everyone at the meeting aware of what happened
01:55:41 Kyle Hoiland: 1. Contact the neighbors and notify them of what is happening, tell them that they cannot voice their concerns to you, disclose situation at meeting
01:55:57 Steven Nusbaum: Ask them to attend the meeting to voice their concerns
01:56:09 Morgan Landers: it would be better to not visit the site with the applicant on your own
01:57:03 Laura Smith: Seems it should be a public meeting, noticed and with all present, and recorded, or to go without applicant/neighbors. Yes?
01:57:21 Laura Smith: Site visits are really important to understand an application.
01:57:50 Steven Nusbaum: Direct applicant not to attend
01:58:15 Jared Barnes: cool masks!
01:58:28 Morgan Landers: How to handle public comment that is directed at commissioners prior to hearing
01:58:36 Charlie perkins: be polite but offer no communication,,,,
02:00:00 Steven Nusbaum: Dos it have to be financial?
02:01:11 Steven Nusbaum: yes

03-31-2020 DOLA TRAINING: PARTICIPANT COMMENTS

02:01:20 Leah Mayer: Does the interest have to be related to the application project only? what if you have a another project with the applicant or someone on the applicant team?
02:02:12 Leah Mayer: yes, comoletey separate
02:02:29 Laura Smith: Does this apply if you live in the same neighborhood as the project in the application?
02:03:10 Jared Barnes: what about personal relationships with the applicant? Common in small towns to know well or be related to an applicant
02:03:44 Steven Nusbaum: Perception of conflict vs actual conflict
02:04:56 Laura Smith: Ha. No, no conflict of interest.
02:05:00 Matthew Hood: no
02:05:01 J.R. Spung: No
02:05:03 Jared Barnes: nope, so long as there are findings for the no votes
02:05:05 Leah Mayer: no
02:05:06 Bill Nutkins: no
02:05:08 Matthew Hood: But the second might be ex parte
02:05:17 Jared Barnes: maybe she should improve her applications
02:05:26 Laura Smith: Well, that's a shame for that applicant.
02:05:31 J.R. Spung: That's not exparte, but it is bias
02:05:52 Jesse Gregg: that seems biased and maybe shouldn't be allowed to vote
02:06:03 J.R. Spung: Does she have backup for her decisions? Then fine on all fronts
02:06:08 Laura Smith: But what if the applicant is untrustworthy? Then is it bias?
02:06:11 J.R. Spung: But don't do that publicly
02:06:52 Laura Smith: Ask them?
02:06:55 J.R. Spung: Ask them about it first
02:07:05 Leah Mayer: inform staff or the legal department?
02:07:06 Laura Smith: Ask staff to ask them?
02:07:08 Morgan Landers: If you arenâ€™t comfortable going to them, you can approach the chair
02:08:36 J.R. Spung: Quorum?
02:08:57 Leah Mayer: no
02:09:17 Laura Smith: Problem b/c it is an unnoticed public hearing if there is a quorum?
02:09:20 Jesse Gregg: three is a crowd?
02:09:28 Morgan Landers: Also, shouldnâ€™t discuss land use files that are still active even when there isnâ€™t a quorum
02:09:58 Laura Smith: So how can commissioners interact with each other outside of public meetings?
02:10:18 Steven Nusbaum: So if I attend a party and there are 2 other commissioners there itâ€™s a meeting?
02:11:35 Morgan Landers: can you talk about quorum via email
02:11:42 Bill Nutkins: our town Christmas party was illegal
02:11:53 Steven Nusbaum: :-)
02:12:37 Laura Smith: Wait, so someone can sue me personally as a commissioner by accusing me of prejudging a matter? Does a county have insurance for me for this? Do I need to get it myself?
02:13:38 Laura Smith: Makes sitting on the commission feel a little risky.
02:14:11 Morgan Landers: Hey Laura- I can pose that question to Beth and Morgan for ya!
02:14:28 Laura Smith: Check! Thanks, both.
02:14:36 Steven Nusbaum: HOAs have this insurance. I would guess municipalities have the same
02:15:55 Matthew Hood: Ex-Parte
02:15:58 Steven Nusbaum: Could lead to prejudgement
02:15:59 Bill Nutkins: road is paved with good intentions...should go through the staff

03-31-2020 DOLA TRAINING: PARTICIPANT COMMENTS

02:16:05 Laura Smith: Hmmm, if Mayor not a party to the application, then no? Or is town always a party to it?
02:16:28 Morgan Landers: Mayor may be a voting member on the council
02:16:37 Morgan Landers: one the application gets to them
02:16:42 Leah Mayer: could the mayor suggest the new commissioner check in with staff to learn some history?
02:17:22 Kyle Hoiland: no
02:17:28 Leah Mayer: no
02:17:34 Bill Nutkins: I was jnder the impression this was not acceptable
02:17:38 Laura Smith: Can they do this as a private citizen?
02:17:40 Jared Barnes: they can only represent their personal opinion not that of the commission
02:18:16 Leah Mayer: if the board sends it back, the the PC should recuse themself
02:18:31 Laura Smith: Are "dissenting" opinions conveyed to the elected board?
02:22:19 Steven Nusbaum: Great presentation. Super informative!
02:22:32 Bill Nutkins: Thank you KC this was great!
02:22:50 Charlie perkins: nice presentation
02:22:50 Jared Barnes: Thanks KC. it was very well run and the comment process went great
02:22:54 Laura Smith: Thank you! Great presentation. I have a question: Traffic on roads controlled/funded by CDOT seems to be a huge issue in many communities. How to understand this facet of planning and how it is or isn't aligned with a project?
02:22:55 J.R. Spung: Very informative
02:22:58 Kyle Hoiland: Thanks KC. Very informative and good pace
02:23:01 Leah Mayer: yes, great presentation. A question though....What are your thoughts on variances? How are they considered "following the standards" or not?
02:23:22 Kyle Hoiland: good question Leah.
02:24:29 J.R. Spung: Isn't CDOT usually a referral agency in the process?
02:26:08 Leah Mayer: we see a lot of variances related to parking or open space.
02:26:09 Laura Smith: How does one engage with or make proposals about state statutes re: land use?
02:26:49 Jesse Gregg: Is it acceptable to approve a variance "for the greater good of the town"?
02:27:08 Leah Mayer: so, as a body, we should probably try to stay consistent with allowances for variances.
02:27:23 Laura Smith: For example, the regulations about public comment and meeting protocols.
02:28:54 Morgan Landers: Many municipality staff have relationships with APA Colorado and they have a legislative arm as well
02:29:57 Kyle Hoiland: apa?
02:30:10 J.R. Spung: I was going to ask that too!
02:30:12 Laura Smith: Ha. :)
02:30:17 Kyle Hoiland: thank you. and that's why I asked?
02:30:40 Laura Smith: Does APA (!) Colorado have a newsletter or something like that?
02:30:40 Leah Mayer: will regulations be changing about public meetings related to social distancing?
02:31:16 Jared Barnes: staff should be able to share it with PCs
02:32:13 Laura Smith: Really, thanks so much, KC! This was great.
02:32:28 Leah Mayer: This was very informative! Thanks
02:32:36 david mcwilliams: yes, thanks kc
02:32:46 Jared Barnes: Long range planning efforts and an overview on those and the processes would be helpful
02:34:00 Leah Mayer: back to ex parte conversations, can a PC have a conversation with public after a decision? for example to just express why?
02:34:15 Laura Smith: Great question.
02:35:04 Jared Barnes: similar to this training from the commissioners side. How to be a commissioner and participate throughout the public process of comp plans,

or sub area plans? How do long range planning decisions effect takings, how to implement those plans on current planning applications, etc.
02:35:45 Leah Mayer: thanks, that answer is helpful.
02:35:46 Laura Smith: If you have any resources or case studies about planning done well, would love to be directed there. Good examples are always helpful.
02:36:05 Leah Mayer: Nice question, Laura
02:36:16 Jared Barnes: hence the future training request
02:38:40 Jared Barnes: exactly!
02:38:47 Laura Smith: Just thinking there are examples those of you with degrees must study when learning how to do this well. Might be helpful
02:39:10 Leah Mayer: I would like to see examples of good planning related to adding density. some os good, too much can be bad
02:39:56 Laura Smith: Yes, development pressure so big in Eagle County. How to do this well?
02:40:48 Laura Smith: You've covered so much! Very helpful.
02:40:54 Morgan Landers: Thanks KC!
02:41:52 Jessica Lake: No, just thank you KC, this was great!
02:42:00 Town of Eagle: I think your presentation was thorough, no additions at this time. Thanks!
02:42:03 Laura Smith: Be well, everyone!
02:42:29 Matthew Hood: Thanks KC. We appreciate it.